

REMARKS

Claims 1-16 were pending and under consideration.

In the Office Action of December 19, 2002, claims 1, 3, 5, 7, 9, 11, 13 and 15 were rejected under 35 USC §102(b) as anticipated by USP 5,910,382 to *Goodenough et al* and under §102(e) as anticipated by USP 6,458,488 to *Honbo et al*. Unknown claims were rejected as anticipated by JP 11-025983. Unknown claims were rejected as obvious in view of *Goodenough et al* and USP 5,807,646 to *Iwata et al*.

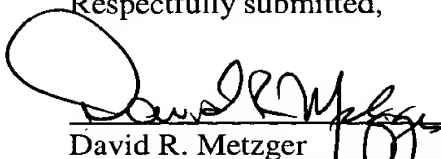
In response, claims 1, 3, 5, 7, 9, 11, 13, and 15 were amended to incorporate their respect dependent claims, 2, 4, 6, 8, 10, 12, 14 and 16, and these dependent claims were cancelled.

In relevant part, each independent claim recites that a portion of the $\text{Li}_x\text{M}_{\text{ny}}\text{Fe}_1\text{-yPO}_4$ positive electrode material has a grain size not larger than $10\text{ }\mu\text{m}$, with the Bulnauer Emmet Taylor specific surface area being not less than $0.5\text{ m}^2/\text{g}$. As admitted in the office action, no combination of *Goodenough et al*, JP 11-025983 and *Iwata et al*, fairly discloses or suggests the recited subject matter including this limitation. *Iwata et al* does not fairly teach or suggest an electrode material LiMPO_4 , where M is MNFE, MnFeA or MnB, where A or B is one of Ti, Zn, Mg and Co, as recited in the claims.

Regarding *Honbo et al*, applicants reserve the right to perfect priority to one or more earlier filed Japanese applications whose filing date(s) is(are) prior to the earliest effective filing date of *Honbo et al*. A certified English translation of each such priority application is being obtained and will be submitted shortly.

In view of the foregoing, it is submitted that the remaining claims are patentable and that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

 (Reg. No. 32,919)
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